

**STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION  
OFF-HIGHWAY MOTOR VEHICLE RECREATION COMMISSION**

**MEETING MINUTES**

October 21, 2016  
10:00 a.m. to 5:00 p.m.

Sacramento City Hall  
915 I Street  
Sacramento, CA 95816

**OHMVR COMMISSIONERS PRESENT**

Ted Cabral, Chair  
Eric Lueder, Vice Chair  
Tom Lemmon  
Kevin Litwin  
Kevin Murphy  
Edward Patrovsky  
Paul Slavik

**OHMVR DIVISION STAFF PRESENT**

Mathew Fuzie, Acting Deputy Director  
Brian Robertson, Acting Division Chief  
Kathryn Tobias, Legal Counsel  
Vicki Perez, Commission Clerk  
Deborah Burgeson, Audio/Visual

**OTHER OHMVR DIVISION STAFF AND REGISTERED VISITORS**

**AGENDA ITEM I – CALL TO ORDER – 10:00 A.M.**

- (A) Pledge of Allegiance led by Chair Cabral.
- (B) Roll Call – Seven Commissioners present at time of roll call and two Commission member appointments vacant.

Chair Cabral introduced Shawn Wilson, Chief of Staff for Scott Haggerty, 1<sup>st</sup> District, Supervisor of Alameda County, and OHMVR Division staff.

Chair Cabral reviewed the public comment procedures regarding green and blue comment cards, as well as the required number of copies of any materials the public wants to submit to the Commissioners. He also announced the 1:30 p.m. public comment period for items not on the agenda.

## **AGENDA ITEM II – AGENDA MANAGEMENT**

Receiving no objections to the agenda, Chair Cabral adopted the agenda as printed.

## **AGENDA ITEM III – APPOINTMENT OF A NOMINATION COMMITTEE**

Chair Cabral appointed Commissioners Slavik and Murphy to the Ad Hoc Nomination Committee.

## **AGENDA ITEM IV – BUSINESS ITEM: CARNEGIE SVRA FINAL EIR AND GENERAL PLAN**

The Commission held a public hearing to consider the certification of the Final Environmental Impact Report (EIR) for, and approval of, the Carnegie SVRA General Plan.

Before the staff report presentation, Chair Cabral asked Commissioners Lemmon and Litwin to provide information to the public on their preparation for this hearing because they are relatively new members of the Commission.

Commissioner Lemmon attended the February 5, 2016, Commission public hearing on the Carnegie SVRA General Plan proposed Final EIR. He read the documents provided to him by the OHMVR Division and participated in a tour of the existing SVRA as well as the expansion area.

Commissioner Litwin participated in a tour of Carnegie SVRA with Chair Cabral. He received copies of the General Plan, proposed Final EIR, and the February 5, 2016, meeting transcript. He assured the public that the Commissioners received copies of all the documents they needed to make a well-educated decision today.

Dan Canfield, OHMVR Division Planning Manager, presented a report on the Carnegie SVRA General Plan and Final EIR. The 2016 Carnegie SVRA General Plan is a broad-based policy document that establishes a long-range vision for the SVRA and provides goals and guidelines to direct future improvements, services, and programs. The documents provide guidance to future SVRA managers as they collaborate with the public, SVRA neighbors, regulatory agencies, and regional stakeholders on operation of Carnegie SVRA.

Carnegie SVRA is located in Alameda and San Joaquin Counties, approximately 12 miles east of Livermore and 12 miles southwest of Tracy. The original 1,575-acre site used by off-highway vehicle (OHV) enthusiasts since the 1940s was a private motorcycle park from 1970 to 1979. Carnegie SVRA became a unit of the State Park system in 1980 with the first general plan approved in 1981.

In the late 1990s, the Department of Parks and Recreation (DPR) used legislatively appropriated OHV Trust Funds to acquire an additional 3,100 acres of adjacent lands to provide expanded OHV recreation opportunities on portions of the property.

The general plan development process for Carnegie SVRA has been a comprehensive effort involving substantial resource inventory work, watershed analysis, storm water management planning, habitat monitoring, interagency coordination, stakeholder engagement, and public involvement.

The OHMVR Commission learned of the impending general plan update effort at its February 25, 2012, Commission meeting. OHMVR Division staff provided regular updates on the progress of the general plan pursuant to the Commission's request. The updates included discussion of major milestones like public meetings, visitor survey results, planning concept development, preliminary plans, and the draft EIR.

The project website, CarnegieGeneralPlan.com, served as the main portal for information regarding the project and for interested parties to provide feedback to the planning team.

The planning team also consulted with the Native American Heritage Commission and Native American groups. This included site visits from August through October 2012 with five Native American groups. The feedback from these groups helped shape the General Plan's cultural resources goals and guidelines.

In addition to the small group stakeholder meetings with regulatory agencies, SVRA neighbors, pro-access recreation organizations, environmental conservation organizations, and historical societies, the planning team hosted several public meetings. Approximately 120 individuals attended the May 21, 2012, General Plan Kickoff and EIR Scoping Meeting. The Concept Alternatives Public Workshop held on June 10, 2013, provided information about three planning concepts to more than 200 people. At the November 12, 2013, public workshop, the planning team presented the preferred planning concept to approximately 350 individuals. The public participation in these meetings helped make the General Plan and associated EIR more comprehensive.

Throughout the general plan development process, the planning team utilized several tools to keep the stakeholders and public engaged and informed about the project. The project website, CarnegieGeneralPlan.com, played a major role in the general plan development process. Directly following the June 10, 2013, meeting, the planning team launched an online public workshop to allow people who were unable to attend the workshop in-person an opportunity to review the planning concepts and provide feedback. The preferred planning concept was also available online. Fact sheets kept interested parties up-to-date on project milestones, announced public meetings and document review opportunities.

The planning team published the preliminary Carnegie SVRA General Plan and Draft EIR for public review in April 2016. The team drafted proposed responses to the thousand-plus comment letters and proposed edits to the preliminary General Plan and Draft EIR based on the comments.

The OHMVR Commission participated in a tour of Carnegie SVRA on February 4, 2016, that provided an overview of the recreation and resource programs at the park. On February 5, 2016, the Commission held a public hearing on the Draft EIR and General Plan. More than 60 speakers provided testimony and many of the speakers provided written comments in support of their testimony. The Final EIR incorporated the public testimony and written comments, as well as the planning team's responses to those comments.

Mr. Canfield read into the record the General Plan's vision for the future of Carnegie SVRA.

"Carnegie SVRA will be a regional destination where children and adults of all skill levels can ride, play and learn in an outdoor recreational setting. Carnegie SVRA will continue to be an affordable location where visitors can enjoy a wide variety of OHV recreation. Carnegie SVRA will be a model of exciting and well-managed OHV recreation as well as excellent environmental stewardship. Visitors will be able to learn about and contribute to the long-term sustainability of diverse, cultural and natural resources present within the SVRA."

The General Plan's preferred concept map identifies different visitor experience areas. It also identifies areas on the expansion lands that would accommodate future OHV trails and related facility development. Approximately 33 percent of Carnegie SVRA, identified as Limited Recreation Areas, would not accommodate OHV trails or related facilities.

The goals and guidelines identified in the General Plan cover major program areas like visitor experience, resource management, and park operations.

The Final EIR examines potentially significant environmental impacts arising from implementation of the General Plan. The public comments received at the February 5, 2016, public hearing did not result in any new impact or require new mitigation, consideration of new alternatives, or any other substantial changes.

Some concerns brought up during the February 5, 2016, public hearing included livestock grazing, habitat corridors, Valley Fever, air quality impacts.

The Carnegie SVRA General Plan is a balanced plan that conserves sensitive resources while providing motorized and non-motorized recreational opportunities. Proposed resolutions have been provided to assist the Commission in consideration of certifying the EIR and approving the General Plan.

#### **PUBLIC COMMENT ON AGENDA ITEM IV**

Katie Metraux, OHMVR Division staff, read letters commenting on the Carnegie SVRA General Plan that were received from elected officials and government organizations supporting or opposing the certification of the Carnegie SVRA EIR and approval of the General Plan.

The following elected officials and organizations submitted letters:

- Mary Nejedly Piepho, Contra Costa County Board of Supervisors
- Lynn Coster, Central Valley Regional Water Quality Control Board
- Dionisio Rosario, David Tam, Al Minard, and Jerry Caveglia, Alameda County Parks, Recreation, and Historical Commission
- Robert V. Elliott, Supervisor, Fifth District, San Joaquin County
- Brian W. Holt, East Bay Regional Park District

The following individuals submitted emails:

- Ole Stortroen
- Jason Scherer, The Pelican Group
- Michael Adams, American Motorcycle Association
- Bill Benett
- California Wildlife Foundation
- Friends of Tesla Park
- Carolyn Chaney
- Pam Marshall
- Bob Fish
- Laura Gulovsen
- Teresa Maxwell
- Hollister Hills Advisory Committee
- David Duffin, Carnegie Forever
- Gus Meyner
- Diana Tweedy, Esq.
- Arthur Hull
- Kathleen Smith
- Bill Connor
- Jim Houghton
- Bob Carls Dudney, M.D.
- Margo Gross

Comments were heard from the following individuals:

- Shawn Wilson, Supervisor Scott Haggerty's Office
- Fred Coffield, Livermore Hill Hikers
- Evelyn Cormier, Ohlone Audubon Society, Mr. Diablo Society and California Audubon Society
- Nick Haris, Western States Representative, American Motorcyclist Association
- Tamara Reus, Friends of the Vineyards
- Cleo Home, President, Tri-Valley Trail Blazers
- Michael Starkey, Save the Frogs
- George Horne
- Juan Pablo Galvan, Save Mt. Diablo
- Bill Bennett
- Jerry Fouts, AMA, District 36
- Dave Mercier, Michael Baker International
- Carin High, Ohlone Audubon and Citizens Community
- Beth Wilson, Livermore Area Recreation and Park District
- Brian Holt, Chief of Planning, East Bay Regional Park District
- Sarah Kupferberg
- Marilyn Russell
- Kelly Smith, Sprawl DEF

- Jennifer Byous, Tesla Road Resident Alliance
- William Hoppes, Alameda County Resource Conservation District
- Janis Turner, Sierra Club

Public Comments on Items Not on the Agenda were heard from the following individual:

- Amy Granat, California Off-Road Vehicle Association

Continuation of public comments on the Carnegie SVRA General Plan and Final EIR:

- Mark Connolly, Connolly Ranching
- Celeste Garamendi, Friends of Tesla Park
- Nancy Rodrigue
- Dean Stanford
- Randy Holt
- Aiden Holt
- Karen Whitestone, East Bay California Native Plant Society
- Don Mooney, Friends of Tesla Park
- Jennifer Loda, Center of Biological Diversity
- Diana Mead
- Dee Rosario, Alameda County Parks Recreation Committee
- Karen Schambach
- Amy Granat, California Off-Road Vehicle Association
- Erika Johnston, Friends of Livermore
- Stephanie Byous, Livermore Heritage Guild
- Dave Pickett, District 36 Motorcycle Sports Committee and Blue Ribbon Coalition
- Ken Clark, Northern California Director of California Off-Road Vehicle Association
- Kyle Jones, Sierra Club California
- Curtis Nagengast
- Dave Duffin, Carnegie Forever
- Sherry Stortroen

Chair Cabral officially closed the public comment period for the Carnegie SVRA General Plan and Final EIR. After a brief discussion with legal counsel, Chair Cabral opened up an additional public comment period so members of the public would have an opportunity to comment on overriding considerations.

Comments were heard from the following individuals:

- Karen Whitestone, California Native Plant Society Chapter
- Kelly Smith
- Jennifer Loda, Center for Biological Diversity
- Vern Goehring, California Native Plants Society
- Erika Johnston, Friends of Livermore
- David Tam, Sprawl DEF
- Mark Connolly
- Stephanie Byous, Livermore Heritage Guild
- Celeste Garamendi, Friends of Tesla Park
- Fred Coffield

- William Hoppes
- Amy Granat
- Dean Stanford
- Evelyn Cormie, Ohlone, Mt. Diablo, California State Audubon, and Citizens Committee to Complete the Refuge
- Janis Turner, San Francisco Bay Chapter of the Sierra Club
- Nancy Rodrigue, Friends of Tesla Park
- Don Mooney, Friends of Tesla Park

Legal Counsel Kathryn Tobias explained that staff originally prepared one resolution to certify the EIR and approve the General Plan. That resolution was subsequently split into two resolutions—one to certify the EIR and one to approve the General Plan. She also pointed out a mistake on page 2 of Resolution 04-2016 that said, “adopted by the Director of State Parks.” That phrase should be replaced with “Adopted by the OHMVR Commission at the time of project approval.”

Ms. Tobias further explained that there is no legal requirement to provide the resolution to the public before the meeting. It is a document staff provides in draft form to the Commission as a convenience. The document only becomes final if the Commission decides to use it to cover any action taken by them.

In response to Chair Cabral’s inquiry, Ms. Tobias briefed the Commission and the public on the Public Resources Code sections that address the duties and responsibilities of the OHMVR Commission, including certification of EIRs and general plan approval for SVRAs.

Commissioner Slavik asked for clarification regarding the Society of American Indians’ comment that the Department disregarded their concerns. Mr. Canfield confirmed that the general plan team consulted with the Native American Heritage Commission as well as several Native American groups. The cultural resource goals and guidelines section of the General Plan directs the parks’ managers to continue consultation and coordination with these groups to ensure they have access to their special sites. Mr. Canfield also stated that he was not aware of any protections for the sites prior to state acquisition.

A discussion ensued regarding the three percent ground disturbance from OHV trails and activities on Hollister Hills SVRA’s Renz and Hudner properties and the legislatively mandated buffers.

In response to Chair Cabral’s inquiry about the possibility of utilizing livestock grazing as a management tool, Mr. Canfield stated that it would be an appropriate management tool but would be subject to a future grazing plan. In addition, Mr. Canfield confirmed that any future development on the expansion property would be subject to a project-level planning analysis. The goals and guidelines in the General Plan direct managers to continue the Resource Management work on the existing recreation area.

In response to Chair Cabral's question to Brian Holt, East Bay Regional Park, about possible future plans to develop an OHV-specific park within its district, Mr. Holt stated the district has no plans for OHV parks. The lands within the East Bay Regional Park district are primarily managed as a natural habitat.

Mr. Canfield and Ms. Tobias briefly explained the purpose of a program EIR versus a project EIR. Mr. Canfield also provided information on the earlier attempts to amend Carnegie SVRA's General Plan and EIR.

Clint Elsholz, senior environmental scientist, Twin Cities District, discussed the storm water management plan and the resource management work that staff have implemented at Carnegie SVRA. He also explained that an analysis of the wildlife corridors in the expansion area found that limited OHV recreation would not have a significant impact on the movement of wildlife.

A brief discussion ensued regarding traffic on Corral Hollow Road and buffer areas within the expansion area.

In response to Commissioner Lemmon's inquiry, Mr. Wilson confirmed that the County of Alameda did not submit a written offer to purchase the Carnegie SVRA's expansion property.

Vice Chair Lueder made a motion to have the OHMVR Commission approve Resolution 03-2016 certifying the EIR prepared for the September 2016 Carnegie SVRA General Plan.

Prior to getting a second to the motion, Commission Slavik requested a couple of changes to the Resolution. On page 2, first bullet point, should read: "... citizens traveling to other facilities." The last bullet point should read: "Carnegie SVRA is sited in a canyon." Remove the word "cleverly."

Vice Chair Lueder amended his motion to include Commissioner Slavik's requested changes to Resolution 03-2016. Commissioner Murphy seconded the motion. A roll call vote was taken; motion carried.

#### **Roll Call Vote**

**Approved:** Commissioners Litwin, Lemmon, Murphy, Patrovsky, Slavik, Lueder, and Cabral

**No:** None

**Abstain:** None

**Absent:** None

Vice Chair Lueder made a motion to have the OHMVR Commission approve Resolution 04-2016 approving the September 2016 Carnegie SVRA General Plan with the suggested change from counsel on page 2, last paragraph, striking "adopted by the Director of State Parks" and replacing it with "adopted by the OHMVR Commission." Commissioner Lemmon seconded the motion. A roll call vote was taken; motion carried.



***Roll Call Vote***

**Approved:** Commissioners Litwin, Lemmon, Murphy, Patrovsky, Slavik, Lueder, and Cabral

**No:** None

**Abstain:** None

**Absent:** None

Commissioner Murphy made a motion to adjourn the meeting; seconded by Commissioner Slavik. The meeting adjourned at 4:59 p.m.